General Assembly

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**Sixty-first session**
Agenda item 79

## Resolution adopted by the General Assembly

[*on the report of the Sixth Committee (A/61/455)*]

### 61/38. Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

*The General Assembly*,

*Recalling* its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

*Recalling also* its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

*Recalling further* its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

*Taking note* of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

*Recalling* the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

*Recalling also* its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

*Concerned* about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 47* (A/60/47).

*Recalling* the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

*Recalling also* that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

*Noting* the adoption of the revised working papers on the working methods of the Special Committee,

*Taking note* of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[2]

*Taking note also* of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[3]

*Mindful* of the decision of the Special Committee, in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that may be taken at the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto,[4]

*Recalling* the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

*Recalling also* its resolution 60/23 of 23 November 2005,

*Having considered* the report of the Special Committee on the work of its session held in 2006,[5]

*Noting with appreciation* the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[5]

2. *Decides* that the Special Committee shall hold its next session from 7 to 14 and 16 February 2007;

3. *Notes with appreciation* the adoption, as a decision, of the working methods of the Special Committee, contained in paragraph 72 of its 2006 report;[5]

4. *Requests* the Special Committee, at its session in 2007, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(*a*) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2007;

(*b*) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the

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[2] A/61/153.

[3] See resolution 60/1.

[4] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[5] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33).

application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[6] and the proposals submitted on the question;

(*c*) To keep on its agenda the question of the peaceful settlement of disputes between States;

(*d*) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

(*e*) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

5. *Invites* the Special Committee at its session in 2007 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-second session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

9. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and the wider cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications;

11. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and, in particular, with regard to the *Repertoire of the Practice of the Security Council*, requests the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952;[7]

12. *Recognizes* the desirability of making available electronically the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* in all their respective language versions;

13. *Reiterates its call* for voluntary contributions to the trust fund for the updating of the *Repertoire of the Practice of the Security Council*, as well as the trust fund for the elimination of the backlog in the *Repertory of Practice of United Nations*

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[6] A/48/573-S/26/705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334 and A/60/320.

[7] A/2170.

*Organs*, and the sponsoring, on a voluntary basis, and at no cost to the United Nations, of associate experts to assist in the updating of the two publications;

14. *Requests* the Secretary-General to submit a report on both the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* to the General Assembly at its sixty-second session;

15. *Also requests* the Secretary-General to submit to the Special Committee for its consideration the information referred to in paragraph 12 of his report on implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions,[8] on modalities, technical procedures and guidelines on coordination of technical assistance available to third States affected by the implementation of sanctions, as well as a possible methodology for assessing the adverse consequences actually incurred by third States, in the report mentioned in paragraph 16 below;

16. *Further requests* the Secretary-General to submit a report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions to the General Assembly at its sixty-second session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization";

17. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

*64th plenary meeting*
*4 December 2006*

[8] A/61/304.